

Remarks

Claims 1-24 are pending in the instant application. Claims 1 and 15 are independent.

Rejection Under 35 U.S.C. § 112

Paragraph 2 of the Office Action rejects claims 1-24 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Action asserts that the claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one of skill in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

At the time the application was filed, storing a computer program on a “computer readable medium” was well known to almost anyone who had used a computer, especially to those of skill in the relevant art. As discussed on page 7 of the specification, “[o]ne aspect of the present invention involves a **computer program**” (emphasis added). At the time that the application was filed computer programs were ubiquitously stored on some form of computer readable medium, such as hard drives, floppy disks, tapes, CD's, DVD's, memory, etc. Further, storing computer programs on computer readable medium was not only well known, it is inferred computer programs are universally stored on computer readable mediums. This storage would have occurred during both development of the program and after it was finished. Accordingly, the specification reasonably conveys to one of skill in the art that the inventors stored the computer program on a computer readable medium.

Additionally, on page 15 of the specification, Fig. 1 is discussed. The figure illustrates “an exemplary computer system 100 according to the present invention. Computer system 100 is a **conventional computer hardware setup** including computer 102...**Additional computer**

components that are **now conventional**, as well as **input or output devices developed in the future** may be added to computer system 100” (**emphasis added**). Conventional computer hardware at the time typically included a hard drive, a floppy drive or drives, a CD drive, memory, etc. This excerpt clearly indicates that the inventors were aware of conventional computer hardware (such as a hard drive, a floppy drive, CD drives, DVD drives, memory etc.) that could be used to store programs and data.

In view of the above, Applicants respectfully request that the rejection of claims 1-24 under 35 U.S.C. §112, first paragraph be withdrawn.

Nonstatutory Double Patenting

Paragraph 4 of the Office Action provisionally rejects claims 1-24 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/376,680. The Action further states that “[a] timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome...[a] provisional rejection based on a nonstatutory double patenting provided the conflicting application...is shown to be commonly owned with this application.” A terminal disclaimer is included with the submission of this response. Additionally, the applications are commonly owned. Accordingly, the Applicant respectfully requests that the provisional rejection with respect to claims 1-24 be withdrawn.

Rejection Under 35 U.S.C. § 102

Paragraph 6 of the Office Action rejects claims 1-24 under 35 U.S.C. § 102(b) as being anticipated by United States Patent 6,332,143 to Chase, (hereinafter “Chase”). The Applicant respectfully traverses this rejection because Chase is not proper 102(b) art with respect to the

present application. The present application claims priority to International Application No. PCT/US00/34696 filed December 20, 2000 and having an earliest priority date of December 21, 1999 based on the United States Provisional Patent Application Serial Number 60/171,315. Chase was filed on August 11, 1999, and therefore is not prior art with respect to the subject application. Since Chase is not proper 102 art, Applicants respectfully request that the rejection as to claims 1-24 be withdrawn.

Discussion of the Amendments to the Specification:

The specification has been amended to clarify the priority claim. The priority claim in the application as originally filed meets the requirements of MPEP § 201.11(III)(A). Specifically, the prior application is identified by international application number and international filing date and the relationship between the applications is indicated in the priority claim.

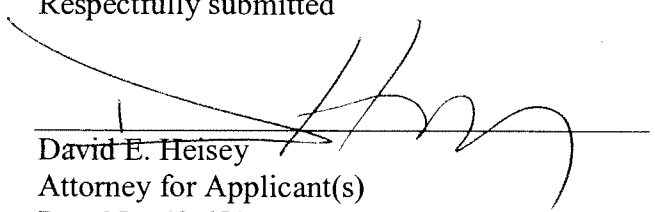
As indicated in the application as originally filed, the International Application Number is PCT/US00/34696. The international filing date is December 20, 2000 and the relationship between the applications is that the present application is a continuation-in-part of the earlier application. The international application further claims priority to United States Provisional Application Serial Number 60/171,315, filed December 21, 1999. This priority date is also noted in the filing paperwork filed with the application, and was correctly reported on the filing receipt. Additionally, the correct priority date is indicated in PAIR.

Conclusion

Based on the foregoing, favorable reconsideration and allowance of claims 1-24 is solicited. If necessary, the Commissioner is hereby authorized in this and concurrent replies to charge payment (or credit any overpayment) to Deposit Account No. 19-1853 for any additional required fees.

Respectfully submitted

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